## REMARKS

Claims 1-4 and 6-10 are currently pending.

The Abstract has been amended.

Claim 1 has been amended to recite essentially the limitation in original Claim 5.

Claim 5, accordingly, has been cancelled; and Claim 6 has been amended to depend from

Claim 1. No new matter has been introduced into the Specification or claims as a result of
the present amendments. In view of the foregoing, the Examiner's objection to the

Abstract and formal rejection of Claim 5-9 under 35 U.S.C. §112 (2<sup>nd</sup> ¶) are now believed
to be moot.

On the merits, the Examiner has rejected Claims 1-4 and 10 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,246,673 (Tiedemann Jr. et al.). The arguments advanced by the Examiner in support of this rejection are set forth in item No. 6 on pages 3 and 4 of the Official Action, and <u>not</u> herein repeated. Applicants note, that apart from the formal rejection of Claim 5, the Examiner has not lodged any other grounds for rejection against Claim 5.

Accordingly, by this amendment, the formal grounds for rejection of Claim 5 having been rendered moot, and the limitation in Claim 5 having been incorporated into Claim 1, and Claim 5 having been cancelled, Applicants are of the view that Claim 1, and all claims depending directly or indirectly therefrom are now in condition for allowance without the need to comment specifically on the merits of the Examiner's arguments based on Tiedemann Jr. et al.

Applicants respectfully request reconsideration and allowance of the pending claims.

Brodley B. Geist

Respectfully submit

Patcht Office Reg. No. 27,551

(212) 408-2500

**Attorney for Applicants** 

Baker Botts L.L.P. 30 Rockefeller Plaza New York NY 10112